

CHAPTER 212

AN ACT authorizing the establishment of municipal volunteer snow removal programs and supplementing chapter 65 of Title 40 of the Revised Statutes.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.40:65-12.3 Volunteer snow removal programs.

1. a. Each municipality may establish a volunteer program for free removal of snow and ice from the entrance ways, driveways, and abutting sidewalks of qualified residential properties within the municipality.

b. The governing body of each municipality that establishes a volunteer program under subsection a. of this section shall appoint a coordinator to administer the volunteer program. The coordinator shall be responsible for recruiting and assigning volunteers to conduct snow and ice removal under the volunteer program.

c. (1) The coordinator and volunteers of a volunteer program shall serve without compensation, but shall be entitled to request assistance and avail themselves of the personnel, facilities, and equipment of the municipality as may be required and as may be made available for the purposes of the volunteer program. The coordinator and volunteers shall not be considered employees or agents of the municipality, and shall not be entitled to worker's compensation or any other benefits in the event of injury as a result of participation in the volunteer program, and shall not be entitled to indemnification by the municipality.

(2) The coordinator and volunteers of a volunteer program shall be immune from suit and liability for any claim for damage to or loss of property, personal injury, or other civil liability caused by any action or inaction that occurred during the course, or as a result of, snow and ice removal under the volunteer program; provided, however, that this paragraph shall not be construed to protect a coordinator or volunteer from suit and liability for damage to or loss of property, personal injury, or other civil liability caused by the intentional or willful and wanton misconduct of that person.

(3) Notwithstanding the provisions of the "New Jersey Tort Claims Act," N.J.S.59:1-1 et seq., a municipality, or any employee or agent thereof, shall not be held liable in any civil action to any person for any claim for damage to or loss of property, personal injury, or other civil liability that may be caused or sustained by a coordinator or volunteer of a volunteer program during the course, or as a result of, snow and ice removal under the volunteer program.

d. Each municipality that establishes a volunteer program under subsection a. of this section shall post on its Internet website, if any, and include in appropriate community notices, newsletters, or other communications made to municipal residents, if any, information about the volunteer program, including the possible availability of free snow and ice removal for seniors and disabled persons, the opportunity to serve as a volunteer, and appropriate contact information for the volunteer program. Such municipality shall also provide this information to the school board of each school district operating within the municipality for it to be shared with the student body of each such school district.

e. As used in this section:

"Disabled person" means a person having an impairment which is expected to be of long-continued and indefinite duration and substantially impedes the person's ability to live independently unless the person receives supportive services.

"Driveway" means a private roadway providing access to a public street or highway, including any pathway necessary to access the driveway from a qualified residential property.

“Dwelling unit” means a detached house, townhouse, apartment, cooperative, condominium, mobile home, or any other similar habitable structure.

“Entrance way” means a private pathway providing access to the abutting sidewalks from a qualified residential property.

“Private community” means a residential condominium, cooperative, fee simple community, horizontal property regime, or mobile home park comprised of a community trust or other trust device, condominium association, homeowners’ association, or council of co-owners.

“Qualified residential property” means a dwelling unit occupied by a senior or disabled person or persons living by themselves or with young children, except for a rental unit, the lease of which requires the landlord to provide snow and ice removal equivalent to that provided under a volunteer program, or a unit in a private community, the governing documents of which require the entity responsible for managing the common elements and facilities of the community to provide snow and ice removal equivalent to that provided under a volunteer program.

“Senior” means any person 62 years of age or older.

2. This act shall take effect immediately.

Approved August 7, 2017.